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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,382	09/25/2003	Michael Cortopassi	PALM-2936.PSI.CON	8539
49637 7590 05/31/2007 BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069			EXAMINER LU, TOM Y	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/672,382	CORTOPASSI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tom Y. Lu	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 18-25 and 27-47 is/are pending in the application.
- 4a) Of the above claim(s) 24,25,27,28 and 42-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-23 and 29-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Invention I, claims 18-23, 29-34 and 35-41 in the reply filed on 03/ 06/2007 is acknowledged.
2. This application contains claims 24-25, 27-28 and 42-47 drawn to an invention nonelected with traverse in the reply filed on 03/06/2007. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 36 and 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
  - a. As per claim 36, the examiner notes the specification fails to disclose a shape set includes a square. The shape set(s) as shown in figures 10-12 are 26 alphabets, and none of them is a square.
  - b. As per claim 38, none of the 26 alphabets is a rectangle.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 35-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Futatsugi et al (“Futatsugi” hereafter) (U.S. Patent No. 5,533,141).

- a. As per claim 35, Futatsugi discloses a method of recognizing shape entry (Futatsugi teaches a portable computer system which is based on a method of recognizing the character strokes as shown in figure 9, column 7, lines 35-38), said method comprising the steps of: accessing spatial stroke data and pressure data captured by a digitizer wherein respective pressure data is associated with respective spatial stroke data (column 6, lines 40-44, the spatial positions of the strokes like the kanji character shown in figure 9 are inputted from the tablet device 102, and the pressure data is also received in association with each stroke, see figures 10 and 11. The examiner notes the tablet device contains the claimed “digitizer”, see column 5, lines 9-24); storing said spatial stroke data and pressure data into a computer memory (the stroke positions and their respective writing pressure data are stored in first memory 602 for interpretation by penmanship interpreter 605); performing shape recognition on said spatial data and said pressure data to identify a recognized shape with a shape set (penmanship interpreter 605 identifies the input stroke position data and its writing pressure in

- accordance with the dictionary 607, which includes a shape set, see figures 10 and 11. For details, see column 6, lines 38-67 and column 7, lines 1-12); and displaying said recognized shape on a display screen of a computer system (column 7, lines 9-16, the interpreted data, recognized stroke data, is sent to an application, such as a word processing application, and the word processing application displays the recognized stroke data on a computer display screen).
- b. As per claim 36, Futatsugi discloses wherein said shape set includes a square (column 1, lines 42-43, the examiner notes Futatsugi uses Japanese kanji as an input language, but other languages, such as English, are also applicable, and the English letters are shown in figure 12. If the English letters were used, the dictionary 607 would include alphabetic letters as stroke data. And one of the letters is "assumed" to be a square as would in applicant's application, see applicant's drawing figures 10-12, where applicant claims one of the alphabet shape is a square. Also see rejection paragraph 3.a).
- c. As per claim 37, Futatsugi discloses wherein said shape set includes a circle (If the language is English, alphabets would be included in the dictionary 607, and letter "O" is a circle).
- d. As per claim 38, see explanation in claim 36.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Ehr, II et al (“Von Ehr” hereafter) (U.S. Patent No. 5,434,959) in view of Futatsugi et al (“Futatsugi” hereafter) (U.S. Patent No. 5,724,985).

- a. As per claim 39, Von Ehr discloses a method of recognizing entry of an object (a line image 20, see figure 1) in a graphics application (“Frontographer” software, column 3, line 66-67) resident on a computer (system 10, column 4, line 3), said method comprising the steps of: accessing spatial stroke data (stroke 20 and its spatial points as shown in figure 7) and pressure data captured by a digitizer (column 4, line 20, pressure sensitive tablet 15 is the claimed “digitizer”) of a computer system; storing said spatial stroke data and pressure data into a computer memory (memory array, column 8, line 21); determining an object display attribute (line width) according to said pressure data (column 4, lines 27-29); drawing a representation of said object on a display screen of said computer (see figures 1 and 2, the line image is drawn and displayed on the display 11). However, Von Ehr does not explicitly teach the computer is a portable computer, which includes a digitizer for sensing the pressure data and a display for displaying the graphical information. Futatsugi teaches a tablet computer system 101, column 4, line 9, which includes a tablet device 102 that functions as a digitizer and a display, column 4, lines 7-8, and such tablet device is capable of measuring the pressure data, column 5, lines 9-10. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to

practice Von Ehr's invention in Futatsugi's system because Von Ehr teaches his invention can be practiced in any structural forms, see figure 3, lines 20-27, and Futatsugi provides such structure in a portable tablet form, and such tablet computer provides easy utilities to users, column 2, lines 55-56.

- b. As per claim 40, the combination of Von Ehr and Futatsugi teaches the object is a line (see Von Ehr in figure 1).
- c. As per claim 41, the combination of Von Ehr and Futatsugi teaches wherein pressure data of a first range represent an object of a first display attribute and pressure data of a second range represent an object of a second display attribute (column 9, lines 60-67 and column 10, lines 1-43, one range of width is a range that is less than a minimum threshold; another range of width is a range between the minimum threshold and the maximum threshold; and another range of width can be a range greater than the maximum threshold).

6. Claims 18-23 and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornburg et al ("Thornburg" hereafter) (U.S. Patent No. 4,318,096) in view of Sites (U.S. Patent No. 6,408,092 B1).

- a. As per claim 18, Thornburg discloses a method of recognizing handwriting-based data entry (column 2, line 62) comprising: a) accessing spatial stroke data and pressure data, and representing said user-drawn stroke wherein respective pressure data is associated with respective spatial data (Thornburg at column 4, lines 32-38, and 47-56, teaches a graphic input pen 10 with its associated X-Y coordinate tablet 12 and their relationship to a general purpose display processor

12. Note the general purpose display processor gains the output from an A/D converter 50 through main data transfer bus, which at line 47-56, explains such A/D converter outputs an 8-bit signal that enables the identification of 256 states of pen pressure. The A/D converter 50 in Thornburg corresponds to the claimed “digitizer”. 256 states of pen pressure correspond to the claimed “pressure data”, X-Y coordinates correspond to the claimed “spatial data”); b) storing said spatial stroke data and pressure data into a computer memory wherein pressure data of a first range represents an object of a first display attribute and pressure data of a second range represents an object of a second display attribute (Thornburg at column 4, lines 9-21, discloses an A/D converter outputs in the range of “0-50” would dictate a fine line, and “over 250” would dictate a width line. Appropriately set transition points therebetween would dictate intermediate line width. Therefore, “0-50” in Thornburg corresponds to the claimed “first range”, “51-249” corresponds to the claimed “second range”, “over 250” would be another range, even though it is not mentioned in applicant’s system. However, it is inherently understood that it can be another range as a user desires. The width of a line corresponds to the claimed “display attribute”. In addition, Thornburg discloses storing spatial data and pressure data in memory 56 at column 4, lines 47-50); c) determining an object display attribute based on said pressure data (Thornburg shows using 256 states of pressure data to determine the width of a line); d) drawing a representation of said user-drawn stroke on a display screen of said computer system simultaneously with said spatial stroke data, wherein said



representation of said user-drawn stroke is drawn with said object display attribute as determined at said step (Thornburg at column 4, lines 47-56, tablet 12, and A/D converter 50, and display processor are all connected through 54, which the data is being shared simultaneously. It allows the system to draw a representation of user-drawn stroke on a display screen of computer system simultaneously with spatial stroke data being accessed by digitizer wherein representation of user-drawn stroke is drawn with object display attribute as determined); and e) repeating steps a) - d) until said stroke is complete (it is inherent to repeat steps a) - d) until stroke is complete). However, Thornburg teaches the digitizer is built-in to the pen, not incorporated in a computer system as claimed. Sites teaches a PDA device 100, which includes a display tablet for handwritten input 104 and 106, (see column 3, lines 35 and 48) and such display tablet acts as the claimed "digitizer" that captures the pressure data of the input strokes, see column 1, lines 9-14. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to capture pressure data using a graphic tablet as taught by Sites because pressure data captured by a digitizer in a tablet device is functionally equivalent to which captured by a digitizer in a graphic pen since both digitizers capture the pressure data of the stroke and digitize the data into 256 levels, see column 4, lines 55-56 in Thornburg and column 1, lines 16-18 in Sites, and by using a the tablet device as taught in Sites, the user can use any ordinary stylus/pen to input the stroke information without limiting to a specially made graphic pen.

- b. As per claim 19, the combination of Thornburg and Sites discloses first display attribute is a first width and wherein said second display attribute is a second width (Thornburg: column 4, lines 14-16).
- c. As per claim 20, the combination of Thornburg and Sites discloses wherein stroke is a line (Thornburg: column 4, lines 14-16).
- d. As per claim 21, the combination of Thornburg and Sites discloses wherein said computer system is a palm size computer system (Sites: column 3, line 35)
- e. As per claim 22, the combination of Thornburg and Sites discloses wherein said computer system is a portable computer (Sites: column 3, line 35).
- f. As per claim 23, the combination of Thornburg and Sites discloses wherein said digitizer is separate in area from said display screen (Sites: see figure 1 and column 4, lines 59-65, the digitizer regions 104 and 106 are different from reviewing area 102).
- g. As per claim 29, Thornburg discloses a secure handwriting-based (column 2, line 62) data entry recognition system (see system in figure 7) comprising: a) means for accessing spatial stroke data and pressure data, and representing said user-drawn stroke wherein respective pressure data is associated with respective spatial data (Thornburg at column 4, lines 32-38, and 47-56, teaches a graphic input pen 10 with its associated X-Y coordinate tablet 12 and their relationship to a general purpose display processor 12. Note the general purpose display processor gains the output from an A/D converter 50 through main data transfer bus, which at line 47-56, explains such A/D converter outputs an 8-bit signal that enables the

identification of 256 states of pen pressure. The A/D converter in Thornburg corresponds to the claimed "digitizer". 256 states of pen pressure correspond to the claimed "pressure data", X-Y coordinates correspond to the claimed "spatial data"); b) means for storing said spatial stroke data and pressure data into a computer memory wherein pressure data of a first range represents an object of a first display attribute and pressure data of a second range represents an object of a second display attribute (Thornburg at column 4, lines 9-21, discloses an A/D converter outputs in the range of "0-50" would dictate a fine line, and "over 250" would dictate a width line. Appropriately set transition points therebetween would dictate intermediate line width. Therefore, "0-50" in Thornburg corresponds to the claimed "first range", "51-249" corresponds to the claimed "second range", "over 250" would be another range, even though it is not mentioned in applicant's system. However, it is inherently understood that it can be another range as a user desires. The width of a line corresponds to the claimed "display attribute". In addition, Thornburg discloses storing spatial data and pressure data in memory 56 at column 4, lines 47-50); c) means for determining (display processor 12) an object display attribute based on said pressure data (Thornburg shows using 256 states of pressure data to determine the width of a line); d) means for drawing a representation of said user-drawn stroke on a display screen of said computer system simultaneously with said spatial stroke data, wherein said representation of said user-drawn stroke is drawn with said object display attribute as determined at said step (Thornburg at column 4, lines 47-56, tablet 12, and A/D converter 50,

and display processor are all connected through 54, which the data is being shared simultaneously. It allows the system to draw a representation of user-drawn stroke on a display screen of computer system simultaneously with spatial stroke data being accessed by digitizer wherein representation of user-drawn stroke is drawn with object display attribute as determined); and e) repeating steps a) - d) until said stroke is complete (it is inherent to repeat steps a) - d) until stroke is complete). However, Thornburg teaches the digitizer is built-in to the pen, not incorporated in a computer system as claimed. Sites teaches a PDA device 100, which includes a display tablet for handwritten input 104 and 106, (see column 3, lines 35 and 48) and such display tablet acts as the claimed "digitizer" that captures the pressure data of the input strokes, see column 1, lines 9-14. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to capture pressure data using a graphic tablet as taught by Sites because pressure data captured by a digitizer in a tablet device is functionally equivalent to which captured by a digitizer in a graphic pen since both digitizers capture the pressure data of the stroke and digitize the data into 256 levels, see column 4, lines 55-56 in Thornburg and column 1, lines 16-18 in Sites, and by using a the tablet device as taught in Sites, the user can use any ordinary stylus/pen to input the stroke information without limiting to a specially made graphic pen..

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- h. As per claim 30, the combination of Thornburg and Sites discloses first display attribute is a first width and wherein said second display attribute is a second width (Thornburg: column 4, lines 14-16).
- i. As per claim 31, the combination of Thornburg and Sites discloses wherein stroke is a line (Thornburg: column 4, lines 14-16).
- j. As per claim 32, the combination of Thornburg and Sites discloses wherein said computer system is a palm size computer system (Sites: column 3, line 35)
- k. As per claim 33, the combination of Thornburg and Sites discloses wherein said computer system is a portable computer (Sites: column 3, line 35).
- l. As per claim 34, the combination of Thornburg and Sites discloses wherein said digitizer is separate in area from said display screen (Sites: see figure 1 and column 4, lines 59-65, the digitizer regions 104 and 106 are different from reviewing area 102).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Beernink, U.S. Patent No. 5,615,285, see figure 6, column 7, lines 24-48.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Y. Lu whose telephone number is (571) 272-7393. The examiner can normally be reached on 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571)-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TYL  
